

Appl. No. : 10/017,920
Filed : December 11, 2001

REMARKS

As a result of the amendments set forth above, Claims 2-6, 8-11, 20-21, 23-28 and 30-32 remain pending, of which Claim 32 has been withdrawn from further consideration. Claims 23 and 31 have been amended.

In the Office Action mailed February 17, 2006, the Examiner allowed Claims 2-6, 8-11, 20-21 and 26. Claims 23-25, 27, 28, 30 and 31 were rejected as being anticipated by Turley (US 4,892,543).

Interview

Applicant thanks Exr. Prebilic for the courteous and helpful personal interview conducted on March 28, 2006 (summarized above).

Claim 23

Claim 23 stands rejected as anticipated by Turley. Applicant has amended Claim 23 to recite:

23. An accommodating intraocular lens for implantation in an eye having an optical axis, said lens comprising:

an anterior portion comprised of a viewing element, said anterior viewing element comprised of an optic having a refractive power of less than 55 diopters;

a posterior portion comprised of a viewing element;

said lens having an optical axis which is adapted to be substantially coincident with the optical axis of the eye upon implantation of said lens;

said posterior viewing element comprising an optic arranged substantially coaxially with said anterior optic on said optical axis of said lens, said posterior optic having a larger diameter than said anterior optic, said posterior optic comprising a peripheral portion extending radially away from said optical axis of said lens beyond the periphery of said anterior optic;

wherein said anterior portion and said posterior portion are configured to move relative to each other along said optical axis of said lens between an accommodated state and an unaccommodated state in response to action of the ciliary muscle of the eye, ~~said anterior optic and said posterior optic being separated by a greater distance in the accommodated state than in the unaccommodated state;~~

wherein said anterior portion further comprises an anterior biasing element connected to said anterior viewing element;

wherein said lens forms first and second apices which are spaced radially from said optical axis, and wherein at least respective portions of said anterior and posterior optics are disposed on opposite sides of a line passing through said apices.

Applicant respectfully submits that amended Claim 23 is patentable over Turley. For example, Turley's optics 46, 60 are both located on one side of a line passing through the radial extremities

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of Turley's lens system, where the arms/fingers connect. This is readily apparent from Turley's Figures 2 and 6. Although Applicant respectfully does not concede the correctness of the Examiner's rejection of previous Claim 23 over Turley, Applicant respectfully submits that amended Claim 23 is in condition for allowance.

Claims 24-25, 27, 28, 30 and 31

Applicant respectfully submits that Claims 24-25, 27, 28, 30 and 31, dependent from Claim 23, are in condition for allowance, by virtue of their dependence from an allowable base claim as well as their recitation of further novel and non-obvious combinations of features. Claim 31 has been amended to avoid issues of indefiniteness in view of the amendment of Claim 23.

Support for Amendments Presented Herein

Descriptive support for the claim amendments and new claims presented herein may be found in at least the following portions of the specification. Please note that this identification of descriptive support is not intended to be exhaustive with respect to any of the claims. Rather, the following identification is intended merely to demonstrate sufficient descriptive support to satisfy section 112, paragraph 1, and the claims may find support in Applicant's lengthy specification in portions other than those identified. (All figure and paragraph numbers refer to the application as published (no. 2002/0116057 A1).)

Claim 23: Figures 4, 17.4, 17.5, 18

Claim 31: [amendments address formalities only]

Identification of Co-Pending Applications

In response to the Examiner's request, Applicant submits herewith a list of commonly-owned co-pending applications and issued patents that include at least some subject matter that is generally similar to that claimed in the present application.

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Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Mark J. Kertz at (949) 721-6318 to resolve such issue(s) promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Apr. 17, 2006

By: Mark Kertz

Mark J. Kertz
Registration No. 43,711
Attorney of Record
Customer No. 20,995
(949) 760-0404

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